

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

H

1

HOUSE BILL 737

Short Title: Divide Dist. Ct./Pros. Dist. 30.

(Public)

Sponsors: Representative Carpenter.

Referred to: Judiciary I.

April 3, 1995

A BILL TO BE ENTITLED

AN ACT TO DIVIDE DISTRICT COURT DISTRICT 30 AND PROSECUTORIAL DISTRICT 30 INTO DISTRICTS 30A AND 30B.

The General Assembly of North Carolina enacts:

Section 1. (a) G.S. 7A-133 reads as rewritten:

"§ 7A-133. Numbers of judges by districts; numbers of magistrates and additional seats of court, by counties.

Each district court district shall have the numbers of judges and each county within the district shall have the numbers of magistrates and additional seats of court, as set forth in the following table:

Additional

District	Judges	County	Magistrates Min.-Max.		Seats of Court
1	3	Camden	1	2	
		Chowan	2	3	
		Currituck	1	2	
		Dare	3	8	
		Gates	2	3	
		Pasquotank	3	4	

1				Perquimans	2	3	
2	2	3	Martin	5 8			
3				Beaufort	4	8	
4				Tyrrell	1	3	
5				Hyde	2	4	
6				Washington	3	4	
7	3A	3	Pitt	10 12	Farmville		
8							Ayden
9	3B	4	Craven	7 10	Havelock		
10				Pamlico	2	3	
11				Carteret	5	8	
12	4	6	Sampson	6 8			
13				Duplin	9	11	
14				Jones	2	3	
15				Onslow	8	14	
16	5	6	New Hanover	6 11			
17				Pender	4	6	
18	6A	2	Halifax	9 14	Roanoke		
19							Rapids,
20							Scotland Neck
21	6B	3	Northampton	5 6			
22				Bertie	4	5	
23				Hertford	5	6	
24	7	6	Nash	7 10	Rocky Mount		
25				Edgecombe	4	6	Rocky Mount
26				Wilson	4	6	
27	8	5	Wayne	5 11	Mount Olive		
28				Greene	2	4	
29				Lenoir	4	10	La Grange
30	9	4	Granville	3 7			
31				Vance	3	5	
32				Warren	3	4	
33				Franklin	3	6	
34	9A	2	Person	3 4			
35				Caswell	2	5	
36	10	12	Wake	12 20	Apex,		
37							Wendell,
38							Fuquay-
39							Varina,
40							Wake Forest
41	11	6	Harnett	7 11	Dunn		
42				Johnston	10	12	Benson,
43							Clayton

1									and Selma
2				Lee	4	6			
3	12	6	Cumberland	10	17				
4	13	4	Bladen	4	6				
5				Brunswick	4	7			
6				Columbus	6	8			Tabor City
7	14	5	Durham	8	12				
8	15A	3	Alamance	7	10			Burlington	
9	15B	3	Orange	4	11			Chapel Hill	
10				Chatham	3	8			Siler City
11	16A	2	Scotland	3	5				
12				Hoke	4	5			
13	16B	5	Robeson	8	16			Fairmont,	
14									Maxton,
15									Pembroke,
16									Red Springs,
17									Rowland,
18									St. Pauls
19	17A	2	Rockingham	4	9			Reidsville,	
20									Eden,
21									Madison
22	17B	3	Stokes2	5					
23				Surry	5	8			Mt. Airy
24	18	10	Guilford	20	26			High Point	
25	19A	3	Cabarrus	5	9			Kannapolis	
26	19B	3	Montgomery	2	4				
27				Randolph	5	8			Liberty
28	19C	3	Rowan	5	10				
29	20	5	Stanly	5	6				
30				Union	4	6			
31				Anson	4	5			
32				Richmond	5	6			Hamlet
33				Moore	5	8			Southern
34									Pines
35	21	7	Forsyth	3	15			Kernersville	
36	22	7	Alexander	2	3				
37				Davidson	7	10			Thomasville
38				Davie	2	3			
39				Iredell	4	9			Mooresville
40	23	3	Alleghany	1	2				
41				Ashe	3	4			
42				Wilkes	4	6			
43				Yadkin	3	5			

1	24	3	Avery	3	4		
2						Madison	4 5
3						Mitchell	3 4
4						Watauga	4 6
5						Yancey	2 4
6	25	7	Burke	4	7		
7						Caldwell	4 7
8						Catawba	6 10 Hickory
9	26	14	Mecklenburg	15	26		
10	27A	5	Gaston	11	20		
11	27B	4	Cleveland	5	8		
12						Lincoln	4 6
13	28	5	Buncombe	6	15		
14	29	4	Henderson	4	6		
15						McDowell	3 5
16						Polk	3 4
17						Rutherford	6 8
18						Transylvania	2 4
19	30 30A	42	Cherokee	3	4		
20						Clay	1 2
21						Graham	2 3
22						Haywood	5 7 Canton
23						Jackson	3 4
24						Macon	3 4
25						Swain	2 3-3
26	30B	2	Haywood	5	7	Canton	
27						Jackson	3 4."

(b) The district court judgeships established for District 30A by subsection (a) of this section shall be filled by the district court judges from current District 30 who reside in Cherokee and Swain Counties. The term of the judge residing in Cherokee County expires the first Monday in December of 1996. That judge's successor shall be elected in the 1996 general election. The term of the judge residing in Swain County expires the Monday in December of 1998. That judge's successor shall be elected in the 1998 general election.

(c) The district court judgeships established for District 30B by subsection (a) of this section shall be filled by the district court judges from current District 30 who reside in Haywood County. The term of one of the the judges residing in Haywood County expires the first Monday in December of 1996. That judge's successor shall be elected in the 1996 general election. The term of the other judge residing in Haywood County expires the first Monday in December of 1998. That judge's successor shall be elected in the 1998 general election.

Sec. 2. (a) G.S. 7A-60(a1) reads as rewritten:

"(a1) The counties of the State are organized into prosecutorial districts, and each district has the counties and the number of full-time assistant district attorneys set forth in the following table:

Prosecutorial District	Counties	Attorneys	No. of Full-Time Asst. District
1	Camden, Chowan, Currituck,	7	
2	Dare, Gates, Pasquotank,		
3	Perquimans		
4	Beaufort, Hyde, Martin,	4	
5	Tyrrell, Washington		
6	3A Pitt	6	
7	3B Carteret, Craven, Pamlico	6	
8	4 Duplin, Jones, Onslow,	10	
9	Sampson		
10	5 New Hanover, Pender	9	
11	6A Halifax	3	
12	6B Bertie, Hertford,	3	
13	Northampton		
14	7 Edgecombe, Nash, Wilson		10
15	8 Greene, Lenoir, Wayne	8	
16	9 Franklin, Granville,	7	
17	Vance, Warren		
18	9A Person, Caswell	2	
19	10 Wake		19
20	11 Harnett, Johnston, Lee	9	
21	12 Cumberland	12	
22	13 Bladen, Brunswick, Columbus	6	
23	14 Durham	9	
24	15A Alamance	6	
25	15B Orange, Chatham	5	
26	16A Scotland, Hoke	3	
27	16B Robeson	7	
28	17A Rockingham	4	
29	17B Stokes, Surry	4	
30	18 Guilford	17	
31	19A Cabarrus	4	
32	19B Montgomery, Randolph	5	
33	19C Rowan	4	
34	20 Anson, Moore, Richmond,	11	
35	Stanly, Union		
36	21 Forsyth	12	
37	22 Alexander, Davidson, Davie,	11	

1		Iredell	
2	23	Alleghany, Ashe, Wilkes,	4
3		Yadkin	
4	24	Avery, Madison, Mitchell,	3
5		Watauga, Yancey	
6	25	Burke, Caldwell, Catawba	11
7	26	Mecklenburg	23
8	27A	Gaston	8
9	27B	Cleveland,	5
10		Lincoln	
11	28	Buncombe	8
12	29	Henderson, McDowell, Polk,	8
13		Rutherford, Transylvania	
14	30 30A	Cherokee, Clay, Graham,	6 3
15		Haywood, Jackson, Macon,	
16		Swain-Swain	
17	30B	<u>Haywood, Jackson</u>	<u>3.</u> "

18 (b) The district attorney position established for District 30B by subsection (a) of
 19 this section shall be filled by the district attorney from current District 30 who resides in
 20 Haywood County. The district attorney position established for District 30A by
 21 subsection (a) of this section shall be filled by appointment by the Governor. That
 22 district attorney's term expires on December 31, 1996. A successor shall be elected in the
 23 1996 general election.

24 (c) The three assistant district attorney positions established for District 30A by
 25 subsection (a) of this section shall be filled by three assistant district attorneys currently
 26 serving Cherokee, Clay, Graham, Macon, and Swain Counties in current District 30. The
 27 three assistant district attorney positions established for District 30B by subsection (a) of
 28 this section shall be filled by three assistant district attorneys currently serving Haywood
 29 and Jackson Counties in current District 30.

30 Sec. 3. There is appropriated from the General Fund to the Judicial
 31 Department the sum of two hundred thirty-nine thousand four hundred ninety-nine
 32 dollars (\$239,499) for the 1995-96 fiscal year and the sum of one hundred eighty-six
 33 thousand fifty-one dollars (\$186,051) for the 1996-97 fiscal year to implement the
 34 provisions of this act.

35 Sec. 4. Sections 1, 2, and 3 of this act become effective October 1, 1995, or
 36 the date upon which those sections are approved under Section 5 of the Voting Rights
 37 Act of 1965, whichever is later. The remainder of this act becomes effective October 1,
 38 1995.